

JUDGE'S COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IAN MORDLE,

Petitioner

v.

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent

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:
:
:

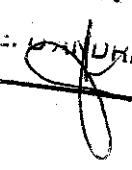
No. 1:CV-00-1163

(Judge Kane)

(Magistrate Judge Durkin)

FILED
HARRISBURG, PA

AUG 17 2000

MARY L. ANDRUEA, CLERK
Per 

RESPONDENT'S EXHIBITS IN SUPPORT
OF ITS RESPONSE TO HABEAS CORPUS PETITION

DAVID M. BARASCH
United States Attorney

THEODORE B. SMITH, III
Assistant U.S. Attorney
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, PA 17108-1754
(717) 221-4482

Date: August 17, 2000

AUG-14-2000 16:34

INS DISTRICT COUNSEL

215 656 7148 P.04/08

POST ORDER CUSTODY REVIEW WORKSHEET FOR FILE REVIEW AND/OR INTERVIEW

Detainee Name: MORDLE, Ian Paul **Date of Birth:** 11/24/72 **"A" Number:** 36 476 325

AKAs: Mordle, E

BOP Number:

Country of Birth: Guyana

Citizenship: Guyana

Date of Arrival: 12/14/80

Place of Arrival: New York, NY

Manner of Arrival: Immigrant

Last Date into INS Custody: 06/29/99

Entered INS Custody from:

☐
☐

Local ☒ **State** ☐ **Federal Institution**
Other

Location: SCI Camp Hill

Institution Number: DE-3828

Immigration History: (Prior INS arrest[s]/parole/bond/custody information)

Describe: Custody determination of 10/06/97, detained in custody of Service

Deportation Officer: Timothy J. Sharon

Date of Review: 04/03/00

Location Detained: York County Prison

Deportation/Exclusion/Removal Proceedings

List all Charges:

☒
☐
☐

Section 237 (a) (2)(B)(i),(2)(C),(2)(A)(iii)

Section 212 (a) , ,

Section 241 , ,

☐ Under Final Order dated April 21, 1998 by ☒ IJ ☐ BIA ☐ Other

☒ Appeal Waived/Appeal Time Elapsed

Travel Document Status/History:

TD requested from Consulate General of Guyana (NYC) on 07/12/99, Request for assistance made to HQOPS / DDP on 12/06/99, follow up to HQOPS / DDP made on 01/24/00.

AUG-14-2000 16:34

INS DISTRICT COUNSEL

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Legal Representative / AttorneyG-28 Filed: ☐ Yes ☒ NoLegal Rep/Atty. Notified of Interview: ☐ Yes ☒ N/A by:
on:

Name of Representative / Attorney: N/A

Mailing Address: Telephone Number:

Present during interview: ☐ Yes ☒ No

Criminal History

Outside the United States: Unknown

(specify nature of crime, whether convicted, sentence imposed, date, and country)

In the United States: Criminal possession of weapon, convicted Kings CO. NY, 5 years probation 03/31/95. Criminal possession of a controlled substance, convicted Kings CO, NY, 1 year 05/12/94. Burglary, Criminal Trespass, Theft, convicted, Adams CO, PA, 18 MO -36 MO on 01/13/97.

NCIC Checks: ☒ Criminal History ☐ No record Found
(State and Federal)

FBI# 357765TA2

SID# NY 6709033P

Summary of NCIC Checks: See Above

Institutional / Disciplinary RecordDid the detainee have prior Disciplinary Reports? ☐ Yes ☒ No

If Yes, List & Describe: Unknown, no record in A file

Source:

Disciplinary reports and Incidents while in INS Custody? ☒ Yes ☐ No

If Yes, List & Describe: On 08/12/99, detainee was found to be making alcohol in his cell. On 08/16/99, detainee admitted guilt at review hearing and given 30 days in BAU.

On 08/12/99, detainee and another were destroying county property. On 08/16/99, detainee was found guilty of not reporting incident.

AUG-14-2000 16:34

INS DISTRICT COUNSEL

215 656 7148 P.06/08

Specifics of Interview**Date of File Review:** 04/03/00**Date of Detainee Interview:** N/A**Location of Interview:** N/A**Interviewing Officer:#1:** N/A

#2: (optional)

Interpreter Used: ☐ Yes ☐ No **Name:**
Language/Dialect:

Does the detainee have a place to live in the United States? ☐ Yes ☒ No**Address:** Unknown, alien did not provide any information**Is the detainee subject to any parole or probation requirements?** ☒ Yes ☐ No**Describe:** On parole in PA**Does the detainee have close family ties within the United States?** ☒ Yes ☐ No**Describe:** Both parents reside in NY State**Does the detainee have any community ties or non-governmental sponsors?**☐ Yes ☒ No**Describe:** N/A**Does the detainee have any employment prospects?** ☐ Yes ☒ No**Describe:** N/A**What is the detainee's employment history?****Describe:** Unknown, none provided**What is the detainee's educational level?****Describe:** Unknown no information provided**Does the detainee have any vocational training?****Describe:** Unknown, no information provided

AUG-14-2000 16:35

INS DISTRICT COUNSEL

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Medical/Psychological Concerns

Medical/Psychological Report : ☐ In A-File ☒ None ☐ Not Available

Date and Source: N/A

Summary:

Other documentary evidence for consideration in this review:

N/A

Discussion at Interview

Notes: N/A

AUG-14-2000 16:33

INS DISTRICT COUNSEL

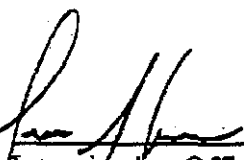
215 656 7148 P.02/08

The INS detainee was found ☐ CREDIBLE ☐ NOT CREDIBLE
Explain: N/A

Officer Comments/Analysis & Recommendation

Mordle has been convicted on three separate occasions for weapons, drugs and burglary. While detained at YCP he was found making alcohol in his cell and acted as a look out for a fellow detainee who was breaking out the window in his cell. A written notice of this review was sent to Mordle via the prison mail on 03/13/00, as of this report date, 04/03/00 the detainee has not provided any information to review on his behalf.

Based on the seriousness of Mordle's convictions and his disciplinary record while detained at York County Prison, I recommend that Mordle remain in detention pending the issuance of travel documents or until his next post order interview.



Interviewing Officer #1:
Timothy J. Shearon

APR 03 2000

Date:

Detain

Release

Interviewing Officer #2:
(optional)

Date:

Detain

Release



Reviewed by:

Date:

4/4/00

Concur

Do Not Concur

AUG-14-2000 16:33

INS DISTRICT COUNSEL

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DISTRICT DIRECTOR'S CUSTODY DETERMINATION

- ☐ RELEASE FROM CUSTODY / ORDER OF SUPERVISION
- ☐ RELEASE FROM CUSTODY / ORDER OF SUPERVISION UNDER BOND

Bond Amount: _____

- ☒ CONTINUE IN CUSTODY / SCHEDULE FOR REVIEW IN SIX MONTHS

Comments (attach additional sheet(s) if necessary):

INS District Office:

Signature of District Director:
or of Designee (ADD, DADD)

PHI

J. R. Madach

THEODORE R. NORDMARK
ASSISTANT DISTRICT DIRECTOR
DETENTION AND DEPORTATION

(Printed Name & Title)

Date: 4-17-00**HEADQUARTER'S REVIEW OF CONTINUED DETENTION**

Reviewing Officers	Concur	Reconsider	Date
_____ (Name, Title, Signature)	_____	_____	_____
_____ (Name, Title, Signature)	_____	_____	_____
_____ (Name, Title, Signature)	_____	_____	_____

For comments, please refer to the "Headquarters Post Order Custody Review" form.

AUG-14-2000 16:35

INS DISTRICT COUNSEL

215 656 7148 P.08/08



**U.S. Department of Justice
Immigration and Naturalization Service**

1600 Callowhill Street
Philadelphia, PA 19130

Ian Paul MORDLE
C/O Berks County Prison
RD#1 Box 265
Leesport, PA 19533

A#36 476 325

Notice to Alien of File Custody Review

You are detained in the custody of the Immigration and Naturalization Service (INS) and you are required to cooperate with the INS in effecting your removal from the United States. If the INS has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering INS custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in INS custody, the INS District Director will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating by "clear and convincing evidence" that you will not pose a danger to the community and will not be a significant flight risk.

Your custody status will be reviewed on or about: (April 3, 2000). The District Director may consider, but is not limited to considering the following:

1. The nature and seriousness of your criminal convictions;
2. Other criminal history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Prior immigration violations and history; and
10. Cooperation in obtaining your travel document.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf.

U.S. Department of Justice
Immigration and Naturalization Service
Attn.: Timothy J. Shearon, Deportation Officer
3400 Concord Road
York, PA 17402

METHOD OF SERVICE

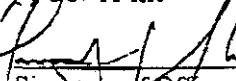
I certify that this form was provided to the alien by:

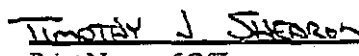
(Hand)

(Institution Mail)

() CC: Attorney of Record or Designated Representative

() CC: A-file


Signature of Officer
(Final 10/18/99)


Print Name of Officer

MAR 13 2000
Date

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IAN MORDLE,

Petitioner,

V.

**IMMIGRATION AND
NATURALIZATION SERVICE,**

Respondent.

No. 1:CV-00-1163

DECLARATION OF GREGORY KENDRICK

I, Gregory Kendrick, Supervisory Deportation Officer for the Philadelphia District of the U.S. Immigration and Naturalization Service, hereinafter referred to as the "Service," hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge, information and belief:

1. I have reviewed the file maintained by Service relating to Ian Paul Mordle; File Number A36 476 325.
2. Ian Mordle, was ordered removed from the United States on April 22, 1998 in Camp Hill, Pennsylvania under the Criminal Alien Program. Ian Mordle accepted the decision of the Immigration Judge as final and waived appeal.
3. A formal request for a travel document for Ian Mordle was made to the Consulate General of Guyana on July 12, 1999. The Service subsequently followed up the initial request on December 6, 1999, January 24, 2000, April 5, 2000 and May 19, 2000. To date the Service has not received a travel document for Ian Mordle.
4. Ian Mordle came into the custody of the Immigration and Naturalization Service on June 29, 2000 from the Pennsylvania State prison system based on his state conviction and incarceration.

5. I am personally aware that the Government of Guyana has repatriated returnees ordered removed from the United States as recently as July of 2000.
6. In July of 2000 the Government of Guyana accepted four aliens ordered removed from the United States without issuing travel documents based on an approved manifest.

Dated: _____

8/16/00

Gregory Kendrick
Gregory Kendrick
Supervisory Deportation Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IAN MORDLE,	:	
	:	
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	:	
v.	:	(Judge Kane)
	:	(Magistrate Judge Durkin)
IMMIGRATION AND NATURALIZATION	:	
SERVICE,	:	
	:	
Respondent	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.


That this 17th day of August, 2000, he served a copy of the attached

RESPONDENT'S EXHIBITS IN SUPPORT
OF ITS RESPONSE TO HABEAS CORPUS PETITION

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE:

Ian Mordle
C/O York County Prison
3400 Concord Road
York, PA 17402


THEODORE B. SMITH, III
Assistant U.S. Attorney